IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16197 of 2004

Between:

1 Aleti Lakshma Reddy, S/o Narayana Reddy,
R/o Annarama Village, Jinnaram mandal, Medak District
2 Aleti Butchi Reddy, S/o Lakshma Reddy,
R/o Annarama Village, Jinnaram mandal, Medak District
3 Padakanti Ravinder, S/o Rajalingam,
R/o Annarama Village, Jinnaram mandal, Medak District
4 Smt.B.Jana Bai, W/o Nagaiah,
R/o Annarama Village, Jinnaram mandal, Medak District

..... PETITIONERS

AND

-

1 District Collector, Medak District, at Sangareddy.
2 Revenue Divisional Officer, Sangareddy, Medak District.
3 Mandal Revenue Officer, Jinnaram mandal, Medak

District.
4 District Registrar, Medak District at Sangareddy
5 Sub Registrar, Narsapur, Medak District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction, preferably one in the nature of Writ of Mandamus, declaring the Proceedings of the 3rd respondent vide Letter No.c/1404/2004-2, dated 30-06-2004 addressed to the 5th respondent directing him not to entertain any registration in respect of the lands belonging to the petitioners covered by Sy.No.162, 165, 161/A1, 161/E and 166/A to an extent of Ac.4-17 guntas; Ac.4-21 guntas, Ac.2-16 guntas; Ac.3-20 guntas and Ac.2-17 guntas situated in Annaram Village, Jinnaram Mandal, Medak District as arbitrary, illegal and violative of principles of natural justice and consequently direct the 3rd respondent to inspect the lands of the petitioners and determine the assessment charges under the provisions of A.P. Non-Agricultural Land Assessment Act, 1963, while directing the 5th respondent to register the plots of the petitioners in favour of their purchasers forthwith.

Counsel for the Petitioner: SMT.SUMALINI REDDY

Counsel for Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for Revenue. Both the counsel have expressed their no objection for disposal of the writ petition at the admission stage.

The petitioners claim to be the owners of various extents of lands in S.Nos.161/A1, 161/E, 162, 165, 166/A of Annaram Village, Jinnaram Mandal, Medak District. Since it is not possible for them to cultivate the lands and urbanization has taken place in the vicinity of the lands, they have obtained layout

permission from the Gram Panchayat on 16-6-2004 and converted the land into plots. After such conversion, the petitioners developed the lands into plots according to the sanctioned plan and some of the plots were sold out to the individuals. When the petitioners approached the fifth respondent for registration of the plots in favour of purchasers, the fifth respondent refused to register the same on the ground that the third respondent has addressed a letter dated 30-6-2004 stating that the petitioners have not obtained permission for conversion of the said lands as per the provisions of the A.P. Non-Agricultural Land Assessment Act, 1963 (for short 'the Act'). Even without issuing any notice to the petitioners, the third respondent directed the fifth respondent not to register the plots. In view of the same petitioners filed the present writ petition to direct the third respondent to inspect the lands for determining the assessment charges under the provisions of the Act and for a consequential direction to the fifth respondent to register the plots of the petitioners in favour of the purchasers.

Learned counsel for the petitioners contended that if the third respondent undertakes inspection of the petitioners' lands and assess the same under the provisions of the Act, the petitioners have no objection to pay the assessment fee. But the petitioners cannot be refused registration on the ground that they have not obtained the permission for conversion of the said lands from agriculture to non-agricultural purpose.

Section 62 of the Andhra Pradesh (Telangana Area) Land Revenue Act, 1371F stipulates the procedure in case of agricultural land appropriated to non-agricultural purpose. Under the said Section, the Collector may take action under Section 57 against the pattadar or shikmidar who has without permission, appropriated agricultural and to non-agricultural purpose.

As can be seen from the above Section any pattadar or sihikmidar cannot convert the agricultural land into non-agricultural purpose without prior permission from the Collector. In view of the same, petitioners are at liberty to file an application before the Collector for conversion of the agricultural lands into non-agricultural purpose, within a period of two weeks from the date of receipt of a copy of this order. On making such an application, the Collector shall consider the said application and pass appropriate orders within a period of four weeks from the date of filing of such application.

With the above observations, the Writ Petition is disposed of at the admission stage.

_____

A. Gopal Reddy, J.

10th September, 2004.

Js.

To

1 District Collector, Medak District, at Sangareddy.
2 Revenue Divisional Officer, Sangareddy, Medak District.
3 Mandal Revenue Officer, Jinnaram mandal, Medak

District.
4 District Registrar, Medak District at Sangareddy
5 Sub Registrar, Narsapur, Medak District

6 2 CCs to G.P. for Revenue, High Court Buildings, Hyderabad.

7 2 CD copies.